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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,990	06/29/2001	Michelle D. Campbell	END920010033US1	5668

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EXAMINER

GODDARD, BRIAN D

ART UNIT PAPER NUMBER

2161

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/893,990

Applicant(s)

CAMPBELL ET AL.

Examiner

Brian Goddard

Art Unit

2161

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 2-4,6-15,17-25,27-29,31-41 and 43-55.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


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Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments are not persuasive.

Once again, applicants arguments constitute a piecemeal analysis of the references, failing to consider ALL cited portions of the references, the combination of references as a whole, and (more importantly) the knowledge gained by one of ordinary skill in the art by the combination of teachings.

Applicants' remarks on pages 15-16 regarding independent claim 4 are exemplary of all remarks in the request for reconsideration. In these remarks, applicants argued that Ziglin does not teach or suggest that the application layer 118 facilitates communications between database 96 and database 134. The examiner disagrees for the following reasons: Ziglin's disclosure in paragraph 0060, describing features of Figure 12, flies in the face of applicants' assertions altogether. Namely, Ziglin explicitly states that the layer application (118) converts the data from database 96 into new enterprise database 134 format. Viewing Figure 12 in light of this explicit disclosure, one of ordinary skill in the art would certainly understand that the layer application 118 converts the data in database 96 (See bi-directional arrow 122) into the format of new enterprise database 134 (i.e. generating the "Aspect file"), and then "transmits" and stores (See bi-directional arrow 136 and the uni-directional arrow between database 96 and database 134, which indicates the flow of data) this newly formatted data in the database 134. Applicants also argued that Ziglin does not teach or suggest that the layer program 118 is adapted to transmit the Aspect file from the database 134 to the enterprise solutions applications 132, "as required by claim 4." However, claim 4 does not require transmission of an Aspect file from a "database" to "enterprise solutions applications." Further, the Office has not adopted the position that Ziglin's layer program transmits anything from the database 134 to the enterprise solutions applications 132. Again, applicants have grossly misinterpreted the reference teachings and their relevance to the claims. Specifically, claim 4 requires that the non-SAP bridge program (layer application 118) is adapted to transmit the "Aspect file" to the SAP business information system. Ziglin's disclosure of transmitting the converted data (constituting the Aspect file) from the layer program 118 to the database 134 for storage therein (see above) is equivalent to the claimed "transmitting" (as per the combination of references) because Ziglin's database 134 is part of the Enterprise (SAP in the combination) business information system. Thus, the combination of Ziglin and Hendricks does disclose each and every limitation of applicants' claims.